

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

GARRICK POWELL

Defendant.

CASE No. 1:23-CR-00146-JRR

ORDER

Defendant's Motion to Dismiss the Indictment at ECF No. 46 relies heavily and throughout on two cases that are no longer good law. *United States v. Rahimi*, 61 F.4th 443, 453 (5th Cir. 2023), was reversed a few days before Defendant filed his motion by *United States v. Rahimi*, 602 U.S. ___, 144 S. Ct. 189 (2024). Further, *United States v. Duarte*, ___ F4th ___, 2024 WL 3443151 (9th Cir., July 17, 2024), vacates 2024 WL 2068016 (9th Cir. May 9, 2024).

In view of these significant developments, within 14 days of this order, Defendant shall revise and resubmit his motion at ECF No. 46. The Government will be afforded a new period of time within which to respond. The hearing on August 6, 2024, will go forward as planned, but the court will not hear argument on the above-referenced motion. Instead, hearing will be reserved for January 7, 2025, or earlier – should the parties wish to confer and propose an earlier hearing date convenient for all parties (and the court). In view of the foregoing, for administrative clarity of the record, the motion at ECF No. 46 is denied as moot without prejudice.

July 30, 2024

/S/

Julie R. Rubin
United States District Judge